

REMARKS

Claims 13-15 and 17-25 are pending in this application. By this Amendment, claim 13 is amended to remove the pressure measuring system. Claim 14 is amended to change "may be" to "is". No new matter is added.

I. The Claims Are Definite

The Office Action rejects claim 14 under 35 U.S.C. §112, second paragraph, as allegedly being indefinite. By this Amendment, claim 14 is amended to overcome the rejection. Applicant requests withdrawal of the rejection.

II. The Claims Are Patentable Over The Applied References

A. Rejections Over Kiat As Primary Reference

The Office Action (1) rejects claims 13, 17, 20 and 23 under 35 U.S.C. §102(b) over U.S. Patent No. 5,533,336 to Kiat et al. (Kiat); (2) rejects claim 14 under 35 U.S.C. §103(a) over Kiat in view of U.S. Patent No. 2,924,944 to Matlachowsky; (3) rejects claim 15 under 35 U.S.C. §103(a) over Kiat in view of "admitted prior art"; and (4) rejects claim 25 under 35 U.S.C. §103(a) over Kiat in view of U.S. Patent No. 6,109,036 to Koike et al. (Koike).

Applicant respectfully traverses the rejections.

Regarding independent claim 13, Kiat fails to disclose "a path measuring system for detecting a relative position of the primary and secondary pistons" (emphasis added).

The Office discusses Kiat in the rationale of the rejection of claims 13-14, 17, 20 and 23-24 over Dantlgraber '346 in view of Kiat, discussed below. In that discussion of Kiat, the Office Action acknowledges that Kiat discloses a pressure measuring system, citing to sensor 218 (Fig. 6). As implied in the Office Action's rationale, Kiat is silent as to any path measuring system. Furthermore, Kiat does not disclose the claim 13 path measuring system. Accordingly, independent claim 13 is not anticipated by Kiat.

Matlachowsky is cited by the Office Action as allegedly disclosing a pre-tensioning valve, citing to axially slidable compensating piston 21a (Fig. 2). The admitted prior art is cited by the Office Action as allegedly disclosing blanking machines and nibbling machines. Koike is cited by the Office Action as allegedly disclosing a displacement valve, citing to nonleakage valve 96 (Fig. 8). Thus, none of Matlachowsky, the admitted prior art, and Koike cure the deficiencies of Kiat.

For the foregoing reasons, Applicant requests withdrawal of the rejections.

B. Rejections Over Dantlgraber '346 As Primary Reference

The Office Action (1) rejects claims 13-14, 17, 20 and 23-24 under 35 U.S.C. §103(a) over European Patent Publication No. 1310346 to Dantlgraber (Dantlgraber '346) in view of Kiat; (2) rejects claim 15 under 35 U.S.C. §103(a) over Dantlgraber '346 and Kiat, and further in view of "admitted prior art"; and (3) rejects claim 25 under 35 U.S.C. §103(a) over Dantlgraber '346 and Kiat, and further in view of Koike. Applicant respectfully traverses the rejections.

Regarding independent claim 13, the applied references fail to disclose or render obvious "a path measuring system for detecting a relative position of the primary and secondary pistons" (emphasis added).

The Office Action acknowledges that Dantlgraber '346 fails to disclose a path measuring system. As discussed above, Kiat, Matlachowsky, the admitted prior art, and Koike also fail to disclose a path measuring system. Thus, Kiat, Matlachowsky, the admitted prior art, and Koike fail to cure the deficiencies of Dantlgraber '346.

For the foregoing reasons, Applicant requests withdrawal of the rejections.

III. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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JAO:JHB/mab

Attachment:
Petition for Extension of Time

Date: November 26, 2008

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